

$$WAER = \frac{\sum_{i=1}^n (ER_i Q_i)}{\sum_{i=1}^n Q_i}$$

where

WAER = the weighted average ER in pounds per million BTUs;

ER<sub>i</sub> = the actual ER of the *i*<sup>th</sup> indirect heating source in pounds per million BTUs;

Q<sub>i</sub> = the rated heat input of the *i*<sup>th</sup> indirect heating source in millions of BTUs per hour; and

n = the number of indirect heating sources in the average.

(B) Installations demonstrating compliance with this rule in accordance with the requirements of section (5) shall do so by making written application to the director. The application shall include the calculations performed in paragraph (5)(A)1. and all necessary information relative to making this demonstration. After written approval by the director, the ER used in the calculations of paragraph (5)(A)1. shall become the maximum allowable particulate ER for each specified indirect heating source under this rule.

(C) Section (5) only shall apply—

1. To indirect heating sources while burning coal; and

2. If the maximum allowable particulate ER determined in subsection (5)(B) for each indirect heating source does not exceed the maximum allowable particulate ER determined for that source from section (2) or (3) using the rated heat input, Q<sub>i</sub>, for the individual indirect heating source as if that individual indirect heating source was the only such source at the installation.

*AUTHORITY: section 643.050, RSMo 1994. \*Original rule filed March 14, 1967, effective March 24, 1967. Rescinded and readopted: Filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed March 14, 1984, effective Sept. 14, 1984.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993.*

#### 10 CSR 10-5.040 Use of Fuel in Hand-Fired Equipment Prohibited

*PURPOSE: This rule prohibits the operation of hand-fired fuel-burning equipment.*

(1) General.

(A) This regulation shall apply to all fuel-burning equipment including, but not limited

to, furnaces, heating and cooking stoves and hot water furnaces. It shall not apply to wood-burning fireplaces and wood-burning stoves in dwellings, fires used for recreational purpose nor to fires used solely for the preparation of food by barbecuing.

(B) Hand-fired fuel-burning equipment is any stove, furnace or other fuel-burning device in which fuel is manually introduced directly into the combustion chamber.

(2) Prohibition.

(A) After three (3) years (March 25, 1976) from the effective date of this regulation (March 25, 1976), it shall be unlawful to operate any hand-fired fuel-burning equipment in the St. Louis, Missouri metropolitan area.

(B) The director may order that any hand-fired fuel-burning equipment not be used at any time earlier than three (3) years (March 25, 1976) from the adoption of this regulation (March 25, 1976), whenever that equipment has been found in violation of any air contaminant emission regulation on three (3) or more occasions in any six (6)-month period.

*AUTHORITY: section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993.*

#### 10 CSR 10-5.050 Restriction of Emission of Particulate Matter From Industrial Processes

(Rescinded March 30, 2001)

*AUTHORITY: section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed June 30, 1975, effective July 10, 1975. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed Aug. 4, 2000, effective March 30, 2001.*

#### 10 CSR 10-5.060 Refuse Not to be Burned in Fuel Burning Installations

(Rescinded February 11, 1979)

*AUTHORITY: section 203.050, RSMo 1975. Original rule filed March 14, 1967, effective March 24, 1967. Rescinded: Filed Aug. 11, 1978, effective Feb. 11, 1979.*

#### 10 CSR 10-5.070 Open Burning Restrictions

*PURPOSE: This rule prohibits the disposal of refuse by open burning except as provided under specified conditions.*

(1) Open Burning Restrictions.

(A) No person shall dispose of household refuse by open burning, or cause, allow or permit open burning of refuse except in areas outside of incorporated municipalities.

(B) All open burning of leaves, brush, or other vegetation shall be prohibited except in areas outside of incorporated municipalities.

(C) No person shall conduct, cause or permit the conduct of a salvage operation by open burning.

(D) No person shall cause or permit the disposal of trade wastes or tires by open burning.

(E) This regulation shall not apply to the following:

1. Fires used for recreational purposes or fires used for the noncommercial preparation of food, such as barbecuing;

2. Flares burning for the combustion of gaseous trade waste;

3. Fires set for the purpose of training fire fighters or industrial employees in fire fighting methods if the director is notified in writing twenty-four (24) hours prior to the fire training. Fire training for industrial employees shall be permitted by the fire department having jurisdiction. In the case of a local fire department accepting buildings for purposes of fire training, it is the responsibility of that fire department to assure all asbestos containing products or materials or petroleum based products or materials such as asphalt shingles and floor or ceiling tiles are removed prior to fire training; and

4. A prescribed burning for natural resource management purposes.

(2) Definitions. Definitions of some of the terms used in this rule may be found in 10 CSR 10-6.020.

(3) Other Restrictions and Provisions.

(A) Effective April 15, 1996, open burning of household refuse shall be a violation of this rule in the entire St. Louis ozone nonattainment area.

(B) Effective April 15, 1996, the open burning of tree leaves or residential brush or any other type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year.

(C) Piled material to be open burned under subsection (3)(B) shall be limited to a total base area not to exceed sixteen (16) square feet.

(D) Any open burning allowed under the provisions of subsections (3)(A) and (B) of this rule shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m.

(E) Open burning of vegetation for the purpose of weed and pest control or for the purpose of crop production in the course of agricultural operation is permitted. If the burning is conducted between April 15 and September 15 of each calendar year, the person conducting the burning must notify the director in writing at least forty-eight (48) hours prior to commencement of burning. The notification shall include, but not be limited to, the following: name of the person(s) conducting the burning, description of the burning, phone number, and the duration of burning. The department reserves the right to delay the burning in days when the ambient air level for ozone is high.

(F) An open burning permit may be issued by the director on yearly basis for open burning of vegetation at a solid waste processing or disposal facility provided that an air curtain destructor is utilized. The open burning permit shall not be in lieu of obtaining a construction permit, as applicable, under 10 CSR 10-6.060.

(G) Open burning of vegetation grown on the premises undergoing land clearing operations may be permitted under conditions established by the director.

(H) Any person intending to dispose of vegetation by open burning under subsection (3)(F) or (G) shall file a written request with the director. The director will evaluate the request for air quality impact to determine whether the request should be granted. The request shall state the following:

1. The name, address and telephone number of the person submitting the request;
2. The type of business or activity involved;
3. A description of the proposed open burning operations, including the type, quantity and composition of vegetation to be burned;
4. The schedule of burning operations;
5. The exact location where open burning will be conducted to dispose of vegetation;
6. Reasons why no method other than open burning can be used for disposal of vegetation; and
7. Evidence that the proposed open burning has been approved by any fire department which has jurisdiction. Upon approval of the application by the director, the person may proceed with the operation without being in violation of subsection (3)(F) or (G).

*AUTHORITY: section 643.050, RSMo 1994.\* Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Nov. 9, 1983, effective April 12, 1984. Amended: Filed June 30, 1994, effective Jan. 29, 1995.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993.*

#### **10 CSR 10-5.080 Incinerators**

(Rescinded December 9, 1991)

*AUTHORITY: section 203.050, RSMo 1986. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Dec. 15, 1982, effective May 12, 1983. Amended: Filed June 15, 1983, effective Nov. 11, 1983. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed May 20, 1991, effective Dec. 9, 1991.*

#### **10 CSR 10-5.090 Restriction of Emission of Visible Air Contaminants**

(Rescinded May 30, 2000)

*AUTHORITY: section 643.050, RSMo 1994.\* Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Jan. 14, 1977, effective July 11, 1977. Rescinded: Filed Sept. 15, 1999, effective May 30, 2000.*

#### **10 CSR 10-5.100 Preventing Particulate Matter From Becoming Airborne**

(Rescinded September 28, 1990)

*AUTHORITY: section 203.050, RSMo 1986. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed June 30, 1975, effective July 10, 1975. Amended: Filed May 11, 1984, effective Oct. 11, 1984. Rescinded: Filed March 5, 1990, effective Sept. 28, 1990.*

#### **10 CSR 10-5.110 Restrictions of Emission of Sulfur Dioxide for Use of Fuel**

(Rescinded July 30, 1997)

*AUTHORITY: section 643.050, RSMo 1986. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Sept. 14, 1978, effective April 12, 1979. Rescinded: Filed Dec. 13, 1996, effective July 30, 1997.*

#### **10 CSR 10-5.120 Information on Sales of Fuels to be Provided and Maintained**

*PURPOSE: This rule provides that information pertaining to the sale of coal or residual fuel oil shall be maintained and provided upon request.*

(1) Tickets to be Furnished and Retained. After thirty (30) days from the effective date of this regulation (April 24, 1976), every delivery of coal or residual fuel oil when first delivered to a consumer or wholesaler in the

St. Louis metropolitan area must be accompanied by a ticket prepared in triplicate and containing at least the name and address of the seller and the buyer and the source of the fuel. Tickets on delivery of coal shall also show the ash content of the coal. One (1) copy of each ticket shall be kept by the person delivering the fuel and be retained for one (1) year; one (1) copy is to be given to the recipient of the fuel to be retained for one (1) year; and upon request, within thirty (30) days after delivery of the fuel, the delivering party shall mail one (1) copy to the Air Conservation Commission.

(2) Lists May Be Published. The director is authorized to publish lists of approved sources or other descriptive lists of fuels available in the area which meet the requirements of this regulation.

*AUTHORITY: section 643.050, RSMo 1994.\* Original rule filed March 14, 1967, effective March 24, 1967.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993.*

*Op. Atty. Gen. No. 331, Shell (11-15-71). The Missouri Air Conservation Commission does not have any specific authority to require the installation of emission monitoring devices, but does have the authority to require reports from sources of air pollution relating to rate, period of emission and composition of effluent, and to make such information available to the public, unless any such information is "confidential" as defined by section 203.050.4, RSMo (1969). The Missouri Air Conservation Commission has the authority under Chapter 203, RSMo (1969) to adopt emission control regulations, including limitations on the content of fuels, which will attain and maintain national air quality standards, if the state standards are the same or more stringent.*

#### **10 CSR 10-5.130 Certain Coals to be Washed**

*PURPOSE: This rule provides that specified coals shall be cleaned by washing prior to their sale or use.*

(1) Certain Coals to be Washed. After December 1, 1968, it shall be unlawful for any person to import, sell, offer for sale, expose for sale, exchange, deliver or transport for use and consumption in the St. Louis metropolitan area or to use or consume in the area any coal which as mined contains in excess of two percent (2%) sulfur or twelve percent (12%) ash calculated as described in